REMARKS

In sections 3-5 of the Office Action, the Examiner rejected claims 5, 27, and 35 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claim 5 recites that the method of claim 1 is performed without identifying the content recipient to the content provider, claims 27 recites that the initiating of requests and the receiving of the posted content are performed without identifying the content recipient to the content provider, and claim 35 recites that the method of claim 32 performed without identifying the content recipient to the content provider.

The Examiner apparently is of the opinion that content cannot be downloaded from a web site to a user without the web site being able to identify the user. However, if the Examiner's opinion were correct, then a web site would be able *sua sponte* to contact a user. In fact, a web site cannot unless the user has an IP address or has given its e-mail address to the web site.

A typical consumer-user of the Internet does not have an IP address. In order to get an IP address, the user must apply for one, which the user might do if the user wishes to establish a web site.

Similarly, the user does not give an e-mail address to a web site unless the user chooses to do so.

Thus, assuming that the user has not applied for an IP address, and assuming that the user has not given an e-mail address to the web site, the identity of a user who access a web site is unknown to the web site.

It is true that a web site often downloads a cookie when it is accessed by a user. The cookie is used by the web site so that, when the user next contacts the web site, the cookie is sent by the user's machine along with the request. The cookie allows the web site to know that the contact is by a user that has previously contacted the web site. However, the user is not identified by the cookie because the cookie cannot by used by the web site to find the user *sua sponte*.

Moreover, when a user accesses a web site, a TCP/IP connection is established between the user and the web site. This connection allows the web site to download requested information to the user. This process is similar to opening a dedicated communication link between the web site and the user. The web site does not know the identity of the user and does not need the identity of the user in order to download requested information to the user. The web site simply uses the

connection. Accordingly, when the connection is broken, the web site is unable to *sua sponte* re-establish a connection with that user because the web site does not have the identity of the user.

Accordingly, claims 5, 27, and 35 meet the written description requirement of 35 U.S.C. §112, first paragraph.

In sections 6-15 of the Office Action, the Examiner rejected claims 1-8, 10-13, 30-34, and 37 under 35 U.S.C. §102(b) as being anticipated by the Mano patent.

The Mano patent discloses a television 10 coupled by a cable 12 to a computer 14. The computer 14 is coupled to a telephone line 18, and the television is coupled to a set top box 22. The set top box 22 is coupled to a telephone line 24.

According to the Mano patent, a user programs the computer 14 with addresses of web pages to be automatically downloaded by the computer 14. In response to one of these addresses, the computer 14 accesses the corresponding web page and downloads the web page at specified intervals.

When the web page is downloaded, it is stored in the memory of the computer 14. The user can then

access that downloaded web page from the memory. If there are any links in the web page which are interesting to the user, the user can instruct the computer 14 to connect to the Internet and access the actual web pages associated with these links. Once connected to the actual web page, the user has the ability to automatically jump to any links included within the actual web page.

Independent claim 1 is directed to a method in which first program code is executed at the content recipient so as to identify a content provider having posted content of interest to the content recipient, second program code is executed at the content recipient so as to automatically initiate a request for the posted content, third program code is executed at the content recipient so as to receive the posted content at the content recipient in response to execution of the second program code, and fourth program code is executed at the content recipient so as to automatically display notice to the content recipient that the posted content has been received at the content recipient in response to execution of the second and third program code.

The Examiner asserts that, according to column 5, lines 2-45 of the Mano patent, notice is provided to

the user that the web page has been received at the user. However, this portion of the Mano patent does not disclose that notice is automatically displayed to the user that a web page has been received.

Instead, this portion of the Mano patent merely discloses that the computer 14 on a daily interval connects to the user's internet service provider, automatically enters the address of an addressee, downloads the web page from the addressee, and stores the downloaded web page. After a web page is downloaded, the user can access this web page using an input device. However, the user cannot utilize any links to other internet addresses included within the web page, because the computer 14 is not actually connected to the internet.

As can be seen, there is no mention here of the notice as recited in independent claim 1.

Moreover, the Mano patent does not suggest automatically displaying the type of notice recited in independent claim 1. The Mano patent discloses at column 2, lines 30-34 that "[w]hat is further needed is a system which automatically obtains information from specific internet sites during a specified time period, while a user is not using the system." There is little point in

automatically displaying notice to the user if the web page is downloaded while the user is not using the computer.

Accordingly, independent claim 1 is neither anticipated by nor obvious over the Mano patent.

Independent claim 32 is directed to a method in which first program code is executed at a content provider so as to post content for access by a content recipient, in which second program code is executed at the content recipient so as to automatically (i) access the content provider and (ii) initiate receipt by the content recipient of the posted content if the posted content is now, and in which third program code is executed at the content provider so as to send a message notifying the content recipient that the posted content is not new.

The Examiner lumped claims 1 and 32 together in the rejection, even though these claims are very different. By lumping these claims together, the Examiner failed to address the limitations of independent claim 32. One of the limitations of independent claim 32 that the Examiner failed to consider is the limitation relating to the execution of third program code at the

content provider so as to send a message notifying the content recipient that the posted content is not new.

The Mano patent neither discloses nor suggests sending a message to the computer 14 that the web page is not new.

Accordingly, independent claim 32 is neither anticipated by nor obvious over the Mano patent.

Because independent claims 1 and 32 are patentable over the Mano patent, dependent claims 2-8, 10-13, 33, 34, 37 are likewise patentable over the Mano patent.

Moreover, these dependent claims are also patentable over the Mano patent for additional reasons. For example, dependent claims 12 and 36 recite that the posted content, when received by the content recipient, is displayed behind a session if the session is active.

The Examiner points to column 5, lines 2-45 for a disclosure of these claims. However, this portion of the Mano patent merely discloses that the computer 14 on a daily interval connects to the user's internet service provider, automatically enters the address of an addressee, downloads the web page from the addressee, and stores the downloaded web page. After a web page is downloaded, the user can access this web page using an

input device. However, the user cannot utilize any links to other internet addresses included within the web page, because the computer 14 is not actually connected to the internet.

While this portion of the Mano patent does indicate that the user can access a web page using an input device after the web page is downloaded, there is no disclosure that the web page is displayed behind an active session when it is downloaded.

Moreover, as disclosed in the Mano patent, the web page is downloaded and is stored in the memory. The Mano patent does not disclose that the web page, when received, is displayed behind a session if the session is active. Indeed, the Mano patent discloses that the web page, when received, is stored in either the mass storage device 32 or the main memory 30. Neither of these memories is a display memory (such as the video memory 44). Therefore, the web page is not displayed when received either behind an active session.

The Examiner might have had a better argument if the Mano patent had disclosed storing the web page, when received, in the video memory 44. However, the Mano patent does not contain such disclosure

Accordingly, dependent claims 12 and 36 are neither anticipated by nor obvious over the Mano patent.

Dependent claims 13 and 37 recite that the notice is displayed even if a session is active.

The Examiner points to column 4, lines 30-50 and to column 5, lines 10-45 of the Mano patent for this feature of the invention.

Column 4, lines 30-50 of the Mano patent disclose that intervals at which web pages may be downloaded may be specified in the interval column 66, that the column 68 displays the date and time of the last version of the web page which was downloaded corresponding to this entry, that the column 70 displays whether or not the last downloaded web page corresponding to this entry was viewed by the user, and that the computer 14 accesses and downloads a web page and updates the information within the update column 68 and the viewed column 70.

Column 5, lines 10-45 of the Mano patent has been discussed above.

As can be seen, there is no mention in either of these portions of the Mano patent that a notice is displayed even if a session is active.

The Examiner seems to be suggesting that the user interface 60 of the Mano patent is a notice. Even if this suggestion were true, the Mano patent does not disclose displaying the user interface 60 even if a session is active. Indeed, the Mano patent merely suggests that the user interface 60 becomes the active session, which means that the former active session is no longer active.

Accordingly, dependent claims 13 and 37 are neither anticipated by nor obvious over the Mano patent.

It is noted that the Examiner, in sections 6-15 of the Office Action, rejected claims 30 and 31 without also rejecting independent claim 18. Applicants assume that such a rejection was a typographical error and, therefore, do not respond with respect to these claims.

In sections 16-23 of the Office Action, the Examiner rejected claims 18-22 and 44 under 35 U.S.C. §102(e) as being anticipated by the Lynch patent. The Examiner identified certain portions of the Lynch patent as being pertinent to independent claim 18. These portions are discussed immediately below.

The Lynch patent describes at column 4, line 50 through column 5, line 20 the object of providing a system that allows various offers and advertising

materials to be presented to users of scanned computers. Accordingly, information is transferred from a first computer to a web site for temporary storage and for later transfer from the web site to a second computer by establishing a communication link between the first computer and the web site, by scanning the first computer via the web site to determine the information contained on the first computer, by allowing a user to select which of the scanned information is to be uploaded from the first computer onto the web site for temporary storage, and by transferring the information contained on the first computer onto the web site for temporary storage.

The Lynch patent discloses at column 11, lines 5-30 that, when the user desires to transfer some or all of these temporarily stored files to the second computer, the user establishes a communication link with the web site via the second computer and the Internet. Once this communication link is established, the user accesses his or her personal account by entering a previously assigned account number and selected password. Assuming that the correct account number and password information are entered, the user is then provided access to previously uploaded settings, files, and other data temporarily stored at the web site. Then, the user downloads

software from the web site that enables the user to interact with the web site to select and download the desired setting, files, and other data which were previously stored.

The Lynch patent discloses at column 12, lines 5-15 that the web site identifies and displays to the user the application settings and other operating environment information that can be transferred from the first computer to the second computer and also displays to the user any application settings and other operating environment information that can be transferred from the first computer to the second computer. The web site then prompts the user to select all or a certain portion of the stored files, settings and other data from the first computer which are to be downloaded from the web site to the second computer. The web site also displays to the user the estimated time it will take for downloading all of the selected files, settings and other data.

The Lynch patent discloses at column 12, line 57 through column 13, line 15 that, after the user has selected all of the desired settings, files and other data to be downloaded, the web site prompts the user to begin the download process. If the user initiates the download, the web site interacts with the second computer

to coordinate the sequential transmission of the temporarily stored and selected settings, files, and other data. Once this download process is completed, the web site confirms the successful transfer of all of the selected application setting(s), file(s), and other data. If all of the selected application setting(s), file(s), and other data were successfully received by the second computer, the user can exit from the web site. The user can either leave these uploaded files, settings, and other data temporarily stored at the web site, or the user can delete all or a portion of the uploaded files, settings, and other data.

As can be seen, there is no disclosure here or in any other portions of the Lynch patent that the files, settings, and other data temporarily stored at the web site and downloaded to the user are posted on a web page of the web site as required by independent claim 18.

Moreover, there is no disclosure in the cited portions of the Lynch patent or in any other portions of the Lynch patent that the files, settings, and other data temporarily stored at the web site and downloaded to the user are received without receiving a whole web page as also required by independent claim 18.

Accordingly, the Lynch patent does not anticipate independent claim 18.

Because independent claim 18 is patentable over the Lynch patent, dependent claims 19-22 and 44 are likewise patentable over the Lynch patent.

Moreover, these dependent claims are also patentable over the Lynch patent for additional reasons.

For example, dependent claims 19 and 21 recite providing a notice that the posted content has been received in response to the request. The Examiner apparently is of the opinion that the confirmatory message disclosed in column 12, line 57 through column 13, line 15 is the notice of dependent claim 19.

However, this portion of the Lynch patent states that "[o]nce this download process is completed, the web site . . . confirms . . . whether or not a successful transfer . . . has occurred." In other words, the web site confirms that the files were successfully transmitted, not received.

Accordingly, the Lynch patent does not disclose providing a notice that the posted content has been received in response to the request as recited in dependent claims 19 and 21. Therefore, dependent claims 19 and 21 are not anticipated by the Lynch patent.

Dependent claim 20 recites that the posted content is displayed, when received, behind a session if the session is active. For this feature of the invention, the Examiner points to column 12, line 57 through column 13, line 30 of the Lynch patent.

This portion of the Lynch patent discloses that, after the user has selected all of the desired settings, files and other data to be downloaded, the web site prompts the user to begin downloading the select application setting(s), file(s), and other data. Once this download process is completed, the web site sends a confirming message to the user. The user can then exit from the web site and can either leave these uploaded files, settings, and other data temporarily stored at the web site or the user can delete all or a portion of the uploaded files, settings, and other data.

As can be seen, this portion of the Lynch patent does not disclose or even mention displaying downloaded content behind a session if the session is active.

Accordingly, dependent claim 20 is not anticipated by the Lynch patent.

Dependent claim 22 recites providing notice that posted content has been received where the notice is

displayed even if a session is active. For this feature of the invention, the Examiner also points to column 12, line 57 through column 13, line 30 of the Lynch patent.

As should be clear from the above description, this portion of the Lynch patent does not disclose or even mention displaying notice that posted content has been received even if a session is active.

Accordingly, dependent claim 22 is not anticipated by the Lynch patent.

Section 21 of the Office Action discusses claim 27. Therefore, applicants assume that the fact that claim 27 was not rejected in section 17 was an oversight.

Dependent claim 27 recites that the initiating of requests and the receiving of the posted content are performed without identifying the content recipient to the content provider.

For this feature of the invention, the Examiner points to column 4, line 50 through column 5, line 20 of the Lynch patent. As can be seen from the above description of this portion of the Lynch patent, there is no mention or suggestion that a user initiates and receives posted content without identifying the user to the web site.

Indeed, the Lynch patent suggests just the opposite because the web site must have a personal account for the user containing the user's personal profile, account number, login password. In other words, the identity of the user must be known to the web site in order for the user to access information at the web site.

Accordingly, dependent claim 27 is not anticipated by the Lynch patent.

Section 22 of the Office Action discusses claim 29. Therefore, applicants assume that the fact that claim 29 was not rejected in section 17 was an oversight.

Dependent claim 29 recites providing notice that no posted content has been received in response to the request.

For this feature of the invention, the Examiner points to column 13, line 10-40. As discussed above, the Lynch patent describes a confirmatory message that is sent to the user and that indicates that information has been successfully transmitted. However, such a message does not indicate that the information was received or not received.

Accordingly, dependent claim 29 is not anticipated by the Lynch patent.

Dependent claim 44 recites that the downloaded content element comprises a note attached to the web page. As described above, there is no disclosure in the Lynch patent that the information transmitted from the web site to the second computer (i.e., the user) is attached to a web page.

Accordingly, dependent claim 44 is not anticipated by the Lynch patent.

In sections 24 through 33 of the Office Action, the Examiner has variously combined Chang patent, the Beyda patent, the Pike patent, and the Kullick patent with the Mano patent or the Lynch patent.

However, the Chang patent, the Beyda patent, the Pike patent, and the Kullick patent do not make up for the deficiencies of the Mano patent and the Lynch patent with respect to independent claims 1, 18, and 32. Therefore, the combination of any one or more of these patents with the Mano patent and the Lynch patent cannot disclose or suggest the inventions of these independent claims.

Accordingly, independent claims 1, 18, and 32 are patentable over the Mano patent or the Lynch patent in view of the Chang patent and/or in view of the Beyda

patent and/or in view of the Pike patent and/or in view of the Kullick patent.

Because independent claims 1, 18, and 32 are patentable over the Mano patent or the Lynch patent in view of the Chang patent and/or in view of the Beyda patent and/or in view of the Pike patent and/or in view of the Kullick patent, all dependent claims of the present application are likewise patentable over the Mano patent or the Lynch patent in view of the Chang patent and/or in view of the Beyda patent and/or in view of the Pike patent and/or in view of the Kullick patent.

It is noted that the Examiner did not reject or even consider independent claim 45.

Independent claim 45 is directed to a method performed at a content recipient in which first program code is executed at the content recipient so as to identify a content provider having posted content of interest to the content recipient, in which second program code is executed at the content recipient so as to automatically initiate a request for the posted content, and, in which third program code is executed at the content recipient so as to receive a notice that the content provider has no new content to download to the content recipient.

None of the art applied by the Examiner shows independent claim 45.

Accordingly, independent claim 45 is patentable over the Mano patent, the lynch patent, the Chang patent, the Beyda patent, the Pike patent, and/or the Kullick patent.

CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

Respectfully submitted,

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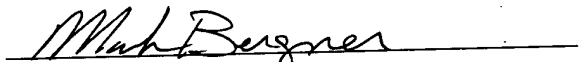
By: 

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